

MINUTES

REGULAR MEETING OF THE NEWTON CITY COUNCIL – MARCH 2, 2010

The regular meeting of the Newton City Council was held on Tuesday, March 2, 2010 at 7:00 p.m. in the Council Chambers at City Hall with the following present: Mayor Robert A. Mullinax and Council Members Wayne Dellinger, Mary Bess Lawing, Tom Rowe, Bill Lutz, Robert C. Abernethy, Jr. Mayor Pro Tem Anne Stedman was absent from the meeting.

Also in attendance were City Manager Todd Clark, City Attorney Larry Pitts, City Clerk Beunice R. “Bootsie” Roberts, members of the Management Team, and City Department Heads.

ITEM 1. CALL TO ORDER – ROBERT A. MULLINAX:

Mayor Mullinax called the meeting to order and welcomed everyone to the meeting.

ITEM 2. OPENING – COUNCIL MEMBER WAYNE DELLINGER:

Council Member Wayne Dellinger led the audience in the Pledge of Allegiance.

ITEM 3. APPROVAL OF MINUTES FROM THE FEBRUARY 16, 2010 REGULAR COUNCIL MEETING:

A motion was made by Council Member Mary Bess Lawing, seconded by Council Member Bill Lutz, and unanimously adopted to approve the minutes of the February 16, 2010 meeting as submitted.

ITEM 4. CONSIDERATION OF CONSENT AGENDA ITEMS:

None.

ITEM 5. COMMENTS FROM THE PUBLIC: (PERSONS WANTING TO MAKE A PUBLIC COMMENT ON NON-AGENDA ITEMS ARE REQUESTED TO SIGN IN WITH THE CITY CLERK PRIOR TO THE MEETING):

Mayor Mullinax asked if there was anyone in the audience who wanted to speak on a non-agenda item, and no one appeared to speak.

ITEM 6. OLD BUSINESS:

None.

ITEM 7. NEW BUSINESS:

A. Consideration of Amendments to the Emergency Management Mutual Aid Agreement

Fire Chief Kevin Yoder said that the North Carolina Statewide Mutual Aid Agreement is a document whereby the City of Newton may request assistance from other municipalities during extra-ordinary events, such as natural disasters and whereby other municipalities may request mutual aid from the City of Newton.

Fire Chief Yoder said that the City would be reimbursed of any financial aid from the recipient that is being helped by our City. He said that the current North Carolina Statewide Mutual Aid Agreement on file contains contact persons that are no longer employed by the City and needs to be updated. Fire Chief Yoder said that the original agreement was made in 1997 and updated in 1999. He said that there are no changes to the wording in the document; it is in a new format.

Fire Chief recommended that the Council approve the updated agreement and the updated contact list.

A brief discussion occurred about previous disasters that the City crews have helped with such as Hurricane Floyd and results from a dangerous storm in Smithfield, NC. There being no further discussion, a motion was made by Council Member Tom Rowe, seconded by Council Member Mary Bess Lawing, and unanimously adopted to approve the updated Statewide Emergency Management Mutual Aid Agreement as submitted by the Staff.

B. Consideration of Expense Reduction and Revenue Enhancement Consulting Contract

Finance Director Serina Hinson gave a brief background on work of Robert S. Segal, CPA, PA who specializes in helping local governments reduce expenses and identify additional revenues. She said that Mr. Segal would not make recommendations for salary or personnel cuts in this search process. Mrs. Hinson mentioned Mr. Segal's course of action in obtaining the savings for the City through common areas of banking services, cellular and local and long distance phone services, copy services, fuel, water treatment chemicals, water leak detection, NC Sales and Use Tax, as well as Franchise fees and taxes.

Mrs. Hinson reiterated to the Mayor and Council that the Council and/or staff could decline any recommendations from Mr. Segal.

Council Member Mary Bess Lawing asked if there was anyone on Staff that could do financial research. She also questioned Mr. Segal's previous assignments all being in the eastern part of North Carolina.

Council Member Robert C. Abernethy, Jr. said that Mr. Segal probably has special resources for his research and knows a quicker process to get it done.

Mrs. Hinson said that it was not so much the capabilities of someone on Staff doing the work, that it was the time it would take to get the work done, that would be the major factor. She also said that Mr. Segal has performed work in Caldwell and Burke counties, but most of his assignments have been in the eastern part of the State.

Council Member Bill Lutz said that he could only see a win-win situation with this venture and that he only questioned the timeframe to get the work done.

Mrs. Hinson said that from her knowledge of his work, that it would take one or two days to perform the research. She said if Mr. Segal finds savings for the City, that it would be discussed with the Staff for further direction as far as acceptance of his recommendations and pay for his service; and if he does not find anything, he would leave and the City would not have to pay for his research.

Mayor Mullinax said that Mr. Segal has key areas to research and a method to perform his work and after that process, he would leave. Mrs. Hinson reiterated that the Council and/or Staff could decline his recommendations.

A motion was made by Council Member Bill Lutz, seconded by Council Member Tom Rowe, and unanimously adopted to approve to enter into a Letter of Agreement with Robert S. Segal, CPA, PA for Expense Reduction and Revenue Enhancement Consultation.

C. Consideration of Ordinance to amend Nuisance Code and consideration of Graffiti Removal Policy

Planning Director/Assistant City Manager Glenn J. Pattishall said that during the Annual Council Planning Workshop, a Graffiti Removal Policy and Ordinance were discussed and as a result, from the discussion, it was recommended that the Graffiti Removal Policy and Ordinance be considered during a future Council meeting.

Mr. Pattishall presented a draft Ordinance to amend the current City Code of Ordinances to declare graffiti a nuisance. He said that the Council does not have to adopt a Graffiti Removal Policy, but presented it with the amended ordinance.

Mr. Pattishall gave a brief overview of the Graffiti Removal Policy and Ordinance. He said that the policy gives the City the opportunity to gain permission from a property owner to remove the graffiti; and the ordinance gives the City the authority to enforce the nuisance ordinance against a property owner to gain compliance if permission is not granted for the City to clean up the graffiti or the property owner fails to remove the graffiti. Mr. Pattishall stated that the policy proposes a maximum charge of \$500 for removal of graffiti from a building, which the Staff feels, is adequate given the history of graffiti problems within the City. The Council has the authority to change the cost if deemed necessary. Mr. Pattishall said that \$2,500 will be budgeted in the 2010-2011 Fiscal Year Budget in regards to this service if the policy is approved by Council.

Mayor Mullinax asked the Council for their comments and explained that the \$2,500 amount would be placed in the budget to do the cleaning, but he would rather the property owner do the cleaning. He said that his main concern is that the graffiti is cleared away quickly. Mayor Mullinax noted that NCDOT regularly and quickly cleans their bridges when they are covered with graffiti. He said that he did not want to keep the property owners from cleaning up their own graffiti, and to think that the City would do it instead.

Council Member Bill Lutz said that he felt most business owners would clean up their properties themselves.

Council Member Wayne Dellinger suggested that there could be 60 to 90 days required before the City gets involved with the clean up. Mayor Mullinax commented that it should not take that much time to get the graffiti cleaned up.

Planning Director/Assistant City Manager Glenn J. Pattishall commented that the goal of the Graffiti Removal Policy and Ordinance is (1) to get the graffiti removed as quickly as possible, and (2) determent – to discourage or keep the graffiti from happening.

Mayor Mullinax asked Mr. Pattishall if the City could try the policy and ordinance and opt out if it does not work. Mr. Pattishall said yes, that there really has not been much graffiti in the City.

Council Member Wayne Dellinger asked if the graffiti could be anywhere on a building. City Attorney Larry Pitts said that the graffiti has to be visible according to the policy requirements.

Council Member Robert C. Abernethy, Jr. said that his main concern is that when the people find out that the City will clean up the graffiti, and then they will wait for the City to clean it up for them, and not clean the graffiti themselves.

Council Member Tom Rowe said that the people may do exactly what Council Member Abernethy said, but still feels that the City should be proactive in keeping the graffiti off buildings, etc.

A motion was made by Council Member Mary Bess Lawing, seconded by Council Member Robert C. Abernethy, Jr., and unanimously adopted to approve the amendment to the Nuisance Ordinance to declare graffiti a nuisance and approve a Graffiti Removal Policy as submitted by the Staff.

**(ORDINANCE #2010-6 IS HEREBY REFERENCED AND
ON FILE IN THE OFFICE OF THE CITY CLERK – POLICY ATTACHED)**

D. Consideration of Records Retention and Disposal Schedule

Mayor Mullinax introduced the Records Retention and Disposal Schedule. He said that the actual Records Retention and Disposal Schedule is a large document, and suggested not to include the entire document, just the main highlights, in the agenda. Mayor Mullinax called on Finance Director Serina Hinson for additional information.

Mrs. Hinson reported that the North Carolina Department of Cultural Resources provided an update to the Records Retention and Disposal Schedule, which should be utilized by all municipalities across the State. She said that the document has not been updated in twelve (12) years; therefore, the proposed schedule supersedes all previous schedules and amendments.

Mrs. Hinson gave a brief background on the use of the Records Retention and Disposal Schedule, and stating that the Schedule is to ensure that public records are retained as long as needed for administrative purposes, legal and fiscal purposes; to ensure that state and federal requirements are met; to ensure that certain records are maintained permanently; and to encourage the systematic disposal of unneeded records. She said that the

appropriate department heads have reviewed each section, and noted that an addendum is included to the Schedule in regards to the Emergency Services and Fire Department Records to extend the life of specific records.

Mrs. Hinson said that the Records Retention and Disposal Schedule is mainly a “housekeeping process,” but does require approval from the Council. She recommended that the Council approve a Resolution for the Records Retention and Disposal Schedule in accordance with North Carolina General Statutes, Chapters 121 and 132.

After a brief discussion on the length of time for “specific” documents, a motion was made by Council Member Wayne Dellinger, seconded by Council Member Bill Lutz, and unanimously adopted to approve the Records Retention and Disposal Schedule, which also includes an addendum regarding the Emergency Services and Fire Department Records to extend the life of specific records.

Mrs. Hinson informed the Council that she would be available to address “specific items” if each would like to come by her office. She also informed the Council that the Records Retention and Disposal Schedule would be placed on the City’s website.

Mayor Mullinax added that the Records Retention and Disposal Schedule would be available in hardcopy, for those who are interested in reading it that way.

RESOLUTION #10-2010

CITY OF NEWTON

RESOLUTION TO APPROVE THE NORTH CAROLINA RECORDS RETENTION AND DISPOSITION SCHEDULE

WHEREAS, the City of Newton City Council has adopted the North Carolina Records Retention and Disposition Schedule, as updated by the North Carolina Department of Cultural Resources in accordance with N.C. General Statutes Chapters 121 and 132 dated May 19, 2009, and

WHEREAS, the City of Newton will maintain a copy on file in the City Clerk’s office, and

NOW, THEREFORE, BE IT RESOLVED that the City Council of the City of Newton does hereby approve this policy for North Carolina Records Retention and Disposition Schedule.

Adopted this the 2nd day of March, 2010.

THE CITY OF NEWTON
Robert A. Mullinax, Mayor

Attest:
Beunice R. Roberts, City Clerk

*** NON-AGENDA ITEM:**

Mayor Mullinax referred to a Resolution that was distributed by City Manager Todd Clark entitled, "Resolution of Support for Google," and stated that the Resolution is regarding the Google high-speed application that the City of Newton is partnering with Hickory and Lenoir for Fiber-to-the-Home and Business initiative, and that the proposed Resolution shows the City's support of the project . He asked City Manager Clark for additional information.

City Manager Clark referred to a news release, which explained the purpose of the project. City Manager Clark said that he and Public Information Officer Gary Herman attended several meetings on the Google Fiber to the Home and Business request application. He said that the application is a collective effort with support from municipalities and counties in Catawba and Caldwell Counties. City Manager Clark said that the high-speed test is a gigabit per second connection, which is more than 100 times faster than the current connection available in the area. He said that if Hickory/Lenoir is awarded as a test site for the ultra-fast network, the community would see significant economic growth, as it will open doors and be an attraction for local business to stay, and recruit more industries, creating more opportunity for all citizens and local governments.

City Manager Clark said that Hickory is the lead agent for the cities in Catawba County and that the application due date is March 26, 2010. He said that there are two committees working on this project, which include, the Administration Committee of which he and Public Information Officer Gary Herman are members, and the Technical Committee, of which Director of Public Works and Utilities Wilce Martin and Assistant Director of Public Works and Utilities Doug Wesson are members.

City Manager Clark said that public support is another key factor to make this application viable.

Council Member Robert C. Abernethy, Jr. said that he could not express enough how important it is for the City to help support this project.

After a brief discussion on other cities involved, those along the U.S. 321 data center corridor in Catawba and Caldwell Counties, specifically mentioned was Maiden, a motion was made by Council Member Robert C. Abernethy, Jr., seconded by Council Member Mary Bess Lawing, and unanimously adopted to approve a Resolution of Support for Google to show that the City of Newton supports the Google Fiber to the Home and Business initiative and is committed in concept to working with neighboring municipalities, counties, universities, colleges, businesses and industries to bring the ultra fast fiber network to our community.

RESOLUTION NO. 11-2010

RESOLUTION OF SUPPORT FOR GOOGLE

WHEREAS, the City of Newton is committed to maintaining and enhancing the quality of life for its citizens and recognizes that supporting the Google Fiber to the Home and Business initiative will boost economic development for new and current businesses, which adds to the quality of life for all.

WHEREAS, the Hickory/Lenoir Google application includes municipalities and counties along the U.S. 321 corridor in Catawba and Caldwell Counties.

WHEREAS, the intent of the Google project is to eliminate the bandwidth bottleneck so that Google can develop and test high speed network applications, and Google will open their network to any and all service providers who want access to a large bandwidth "pipe" to businesses and households.

WHEREAS, the local governments in partnership with water, power, communication providers and more will assist Google with implementing the new infrastructure of a one gigabit per second connection, which is 100 times faster than the current connection available in the area.

WHEREAS, our community expects to see significant economic growth through participating with Google, as it will open doors and be an attraction for local business to stay, more businesses to move here which creates more opportunity for all citizens and local governments.

NOW, THEREFORE, BE IT RESOLVED that the City of Newton supports Google Fiber to the Home and Business initiative and is committed in concept to working with neighboring municipalities, counties, universities, colleges, businesses and industries to bring the ultra fast fiber network to our community.

Adopted this the 2nd day of March, 2010.

THE CITY OF NEWTON,
A North Carolina Municipal Corporation
Robert A. Mullinax, Mayor

ATTEST:

Beunice R. Roberts, CMC/City Clerk

Larry Pitts
Attorney for the City of Newton

ITEM 8. CITY MANAGER'S REPORT:

City Manager Todd Clark reported on the following:

- Reminded the Council of the March 8, 2010 Catawba Nuclear Station tour in Concord, NC.
- Distributed a draft letter to the U.S. Environmental Protection Agency written on behalf of the City in response to the US Environmental Protection Agency proposal released on January 6, 2010 to revise the primary and secondary national ambient air quality standards for ozone. He said that the letter voices the City's opposition to additional lowering of the ozone standards. The City believes lowering the ozone standards would hurt economic development and cause additional job losses in the City of Newton, that it would lower household incomes, increase poverty rates, and increase the number of uninsured persons in the City. He said that the City also opposes the timelines to implement the new standards, as well as, supports a new Early Action Compact process when the final rule on ozone standards are released. Mayor Mullinax informed the Council that Council Member Mary Bess Lawing is the Council's representative on the Unifour Air Quality Commission. After a brief discussion on the matter, it was the consensus of the Council to submit a letter to the U.S.

Environmental Protection Agency on behalf of the City to revise the primary and secondary national ambient air quality standards for ozone.

ITEM 9. QUESTIONS AND COMMENTS FROM MAYOR AND COUNCIL:

None.

ITEM 10. CLOSED SESSION TO DISCUSS A PERSONNEL MATTER – G.S. 143-318.11(A) (6):

Mayor Mullinax stated that the Council needed to have a Closed Session to discuss a personnel matter.

A motion was made by Council Member Mary Bess Lawing, seconded by Council Wayne Dellinger, and unanimously approved that the Council go into Closed Session.

After the Closed Session, Mayor Mullinax called the Council meeting back into regular session.

ITEM 11. ADJOURNMENT:

There being no further business to discuss, a motion was made by Council Member Wayne Dellinger, seconded by Council Member Robert C. Abernethy, Jr., and unanimously approved that the March 2, 2010 meeting be adjourned.

Respectfully submitted by:

Robert A. Mullinax, Mayor

Beunice R. (Bootsie) Roberts, CMC/City Clerk